

**Final Rule**

LSA Document #11-472(F)

**DIGEST**

Amends [326 IAC 1-1-3](#), [326 IAC 11-8-3](#), and [326 IAC 20-95-1](#) concerning updates to the Code of Federal Regulations (CFR). Effective 30 days after filing with the Publisher.

**HISTORY**

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): September 14, 2011, Indiana Register (DIN: [20110914-IR-326110472FDA](#)).

Notice of Public Hearing: September 14, 2011, Indiana Register (DIN: [20110914-IR-326110472PHA](#)).

Change in Notice of Public Hearing: November 23, 2011, Indiana Register (DIN: [20111123-IR-326110472CHA](#)).

Date of Hearing: February 1, 2012.

**[326 IAC 1-1-3](#); [326 IAC 11-8-3](#); [326 IAC 20-95-1](#)**

SECTION 1. [326 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[326 IAC 1-1-3](#) References to the Code of Federal Regulations**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, 2009, **2011**, edition\*.

\*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(*Air Pollution Control Board; [326 IAC 1-1-3](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#); filed Apr 1, 2008, 9:59 a.m.: [20080430-IR-326070373FRA](#); filed Jul 1, 2009, 3:12 p.m.: [20090729-IR-326080901FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#))*

SECTION 2. [326 IAC 11-8-3](#) IS ADDED TO READ AS FOLLOWS:

**[326 IAC 11-8-3](#) References to the Code of Federal Regulations**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 3. All references to the CFR in sections 1 and 2 of this rule are to the 2010 edition\* of the CFR.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(*Air Pollution Control Board; [326 IAC 11-8-3](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#))*

SECTION 3. [326 IAC 20-95-1](#) IS AMENDED TO READ AS FOLLOWS:

**326 IAC 20-95-1 Applicability; incorporation by reference of federal standards**

**Authority:** [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

**Affected:** [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to sources as provided in **the July 1, 2010, edition of** 40 CFR 63.7485\*.

(b) The air pollution control board incorporates by reference **the July 1, 2010, edition of** 40 CFR 63, Subpart DDDDD\*, ~~as amended by 70 FR 76933, December 28, 2005\*~~, national emission standards for hazardous air pollutants for industrial, commercial, and institutional boilers and process heaters.

(c) Owners and operators may use the emission averaging provisions as specified under **the July 1, 2010, edition of** 40 CFR 63.7522\*.

(d) Under [326 IAC 3-6](#), source sampling procedures, a test protocol form for an emissions test is due thirty-five (35) days before the intended test date.

\*~~These documents are~~ **This document is** incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 20-95-1](#); filed Nov 16, 2006, 4:04 p.m.: [20061213-IR-326050023FRA](#); filed Mar 28, 2012, 12:51 p.m.: [20120425-IR-326110472FRA](#))

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*Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20110914-IR-326110472FDA](#)*

*Hearing Held: February 1, 2012*

*Approved by Attorney General: March 22, 2012*

*Approved by Governor: March 28, 2012*

*Filed with Publisher: March 28, 2012, 12:51 p.m.*

*Documents Incorporated by Reference: 29 CFR, July 1, 2011; 40 CFR, July 1, 2011; 40 CFR 60, Subpart O, July 1, 2010; 40 CFR 60, Subpart Ca, July 1, 2010; 40 CFR 60, Subpart Cb, July 1, 2010; 40 CFR 60, Subpart Ea, July 1, 2010; 40 CFR 60, Subpart Eb, July 1, 2010; 40 CFR 60, Subpart Ec, July 1, 2010; 40 CFR 60, Subpart EEE, July 1, 2010; 40 CFR 60, Subpart LLL, July 1, 2010; 40 CFR 60, Subpart CCCC, July 1, 2010; 40 CFR 60, Subpart DDDD (60.2500-60.2875), July 1, 2010; 40 CFR 63, Subpart DDDDD (63.7480-63.7575), July 1, 2010*

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